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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,951	01/10/2001	Francois - Xavier Nuttall	11245.00053	1267
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Squire, Sanders & Dempsey L.L.P. Two Renaissance Square Suite 2700 40 North Central Avenue Phoenix, AZ 85004-4424			EXAMINER CHEUNG, MARY DA ZHI WANG	
			ART UNIT 3621	PAPER NUMBER

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Application Number: 09/757,951

Filing Date: January 10, 2001

Appellant(s): NUTTALL, FRANCOIS - ~~XAVIER~~ **MAILED**

JUL 28 2004

GROUP 3600  
Vidya R. Bhakar  
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed April 30, 2004.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

The rejection of claims 9-13, 17-21, 24-30 and 34-37 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

**(8) *Claims Appealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) Prior Art of Record**

5,910,987

GINTER et al.

6-1999

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 9-13, 17-21, 24-30 and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Ginter et al. (U. S. Patent 5,910,987). This rejection is set forth in a prior Office Action, mailed on November 4, 2003.

**(11) Response to Argument**

The appellant's arguments are based on the following three claimed limitations:

1. The appellant believes that Ginter fails to teach receiving a first report that was provided in response to a transaction that provided the digital work.
  - The appellant argues that the transaction is conducted in response to a request and also provides the digital work, and Ginter does not describe such request that is directed to a content provider. Examiner respectfully disagrees because Ginter teaches the user requests to turn a new page of an electronic book and the electronic book is provided to the user by the content provider (column 55 lines 61-67).
  - The appellant also argues that nothing in Ginter describes providing a report as a consequence of a transaction that provided the digital work. Ginter teaches providing plurality of reports, such as providing an electronic book (report), or providing report of the usages (column 55 line

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61 – column 56 line 16). Either of these examples taught by Ginter can be interpreted as providing a report that is a consequence of a transaction that provided the digital work.

- The appellant further argues that the report disclosed by Ginter occurs prior to delivery of the work, which is opposite to “in response to a transaction that provided the digital work” as claimed. Examiner respectfully disagrees because for example the user can turn to a new page of an electronic book after delivery of the electronic book or after the purchase of the electronic book (column 55 lines 61-67).
2. The appellant believes that Ginter fails to teach receiving a second report that originated from a content managing node in response to supplying by the content managing node information to validate the request. Examiner respectfully disagrees because the Clearinghouse 116 in Fig. 2 of Ginter corresponds to the content managing node, and the VDE Right Distributor 106 of Fig. 2 corresponds to the reconciling node, and the VDE Right Distributor 106 receives a second report (the payments and payment related information) from the Clearinghouse 116 to validate the request, such as the request for turn a new page of an electronic book (column 53 lines 60-63 and column 55 lines 61-67).
  3. The appellant believes that Ginter fails to teach the comparison function. Examiner respectfully disagrees. First, in a good business practice, the verification and comparison steps are essential processes prior to deliver of the payment for ensuring the accuracy of the transactions. Secondly, Ginter

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clearly teaches implementing a SPU (secure processing unit) for performing securing transactions (i.e. auditing, payment, repayments, credits), and the SPU comprises a pattern matching engine for performing comparisons (column 61 lines 22-43 and column 65 lines 49-63 and Figs. 6-7, 9).

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Mary Cheung  
July 23, 2004

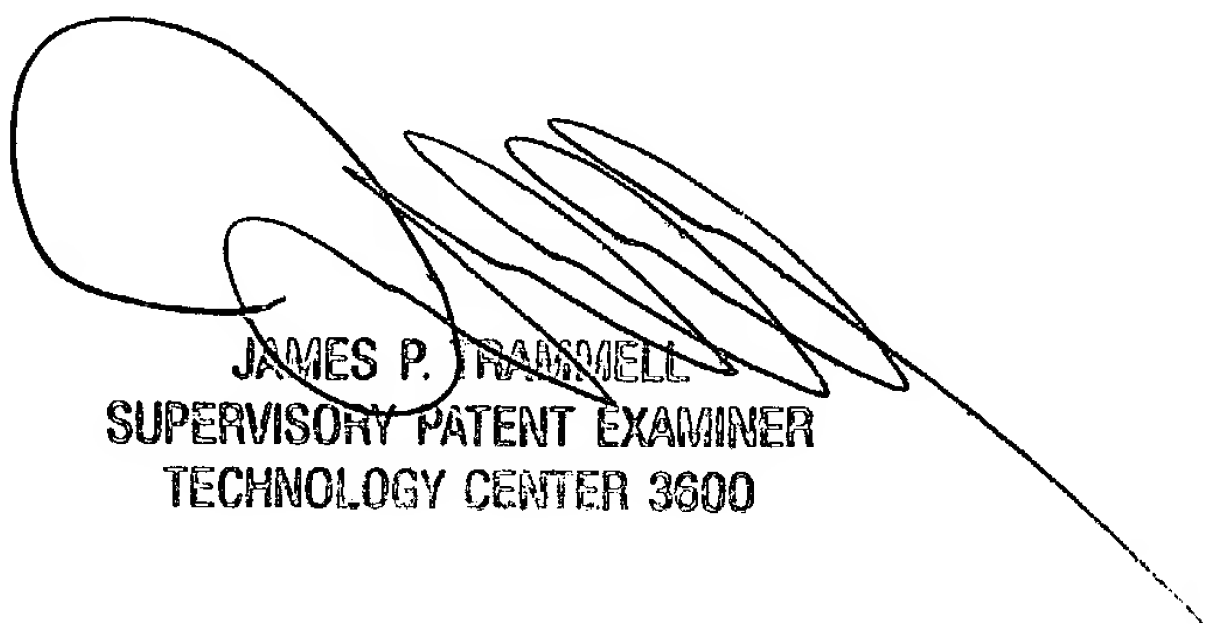


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